

## **REMARKS**

In the Office Action,<sup>1</sup> the Examiner rejected claims 1-7 under 35 U.S.C. § 101 as directed to non-statutory subject matter; and rejected claims 1-14 under 35 U.S.C. § 102(e) as anticipated by US Patent No. 6,973,625 to Lupo et al. ("*Lupo*"). Applicant respectfully traverses the rejections presented in the Office Action.

### **I. The Rejection of Claims 1-7 under 35 U.S.C. § 101**

The Examiner alleges that the "information carrier" of claim 1 "includes media such as 'propagated signal' ... that are considered to be non-statutory subject matter" (Office Action at p. 2). Claim 1 has been amended to recite a "computer-readable storage medium," and Applicant respectfully requests the Examiner to withdraw the rejection.

### **II. The Rejection of Claims 1-14 under 35 U.S.C. § 102(e)**

Applicant respectfully traverses the rejection of claims 1-14 under 35 U.S.C. § 102(e) as being anticipated by *Lupo*. In order to properly establish that *Lupo* anticipates Applicant's claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim."

See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

*Lupo* does not disclose each and every element of Applicant's claimed invention.

Claim 1 recites a computer program comprising instructions operable to cause data processing apparatus to perform operations including, for example, "filtering the requests to eliminate redundant rendering requests" (emphasis added).

*Lupo* discloses a "framework and method of programming web-based interfaces using management classes for the management of behavior regarding specific web elements wherein said code relating to said management classes is loaded into a user's browser" (*Lupo*, abstract). *Lupo* also discloses allowing a Web developer to prevent incorrect or incomplete information from being sent to a web server by disabling and enabling components of the interface (*Lupo*, col. 5, lines 23-26). The Examiner alleges that preventing incorrect or incomplete information from being sent to the server corresponds to the claimed "filtering" of rendering requests (Office Action at p. 3). However, the claimed "rendering requests" are "redundant." In contrast, *Lupo* does not teach or suggest any redundant rendering requests whatsoever, much less filtering of redundant rendering requests.

*Lupo's* clear deficiencies suggest that the Examiner may be adopting a particularly broad reading of the claimed "redundant" rendering requests. By way of example, Applicant discloses at page 4 of the specification that "[a] redundant request is a request that is identical to or a subset of another request." *Lupo* discloses no rendering request that is "identical to or a subset of another request." Therefore, *Lupo* fails to teach or suggest the claimed "filtering the requests to eliminate redundant rendering requests," as recited by independent claim 1.

Because *Lupo* does not disclose each and every element recited by claim 1, *Lupo* cannot anticipate claim 1. Moreover, there is no suggestion in *Lupo* of “filtering the requests to eliminate redundant rendering requests.” Claim 1 is allowable over the art of record. Claims 7 and 13, although of different scope, include recitations similar to those of claim 1. Accordingly, *Lupo* does not anticipate or render obvious independent claims 7 and 13 for at least the same reasons set forth in connection with the recitations of claim 1.

Claims 2-6 depend from claim 1, claims 8-12 depend from claim 7, and claim 14 depend from claim 13. Because *Lupo* does not support the rejection of independent claims 1, 7, and 13 under 35 U.S.C. § 102(e), *Lupo* also does not support the rejection of dependent claims 2-6, 8-12, and 14 for at least the same reasons set forth above in connection with claim 1. Therefore, Applicant requests that the rejection of claims 1-14 under 35 U.S.C. § 102(e) be withdrawn and the claims allowed.

Dependent claim 4 is further distinguishable from *Lupo*. Claim 4 recites “wherein[] the type of modification is a complete re-rendering of the user interface element.” *Lupo* discloses allowing authors programmable access to components of web documents, allowing web browsers to display new content without downloading additional documents from a server (*Lupo*, col. 2, lines 44-51). *Lupo* also discloses that every HTML element or object in a web page can have a script that changes the page content in response to user actions (*Lupo*, col. 2, lines 54-55). However, *Lupo* does not indicate whether the changes to the web page are reflected by a complete re-rendering of a user interface, or by re-rendering individual attributes. Therefore, *Lupo* does not

teach or suggest the claimed “wherein[] the type of modification is a complete re-rendering of the user interface element.” Dependent claim 10 is distinguishable from *Lupo* for at least the same reasons as claim 4.

Dependent claim 5 is further distinguishable from *Lupo*. Claim 5 recites “the type of modification is an update of one or more, but not all, of the attributes of the user interface element,” and claim 5 depends from claim 1, which recites “each rendering request specifying ... a type of modification.” However, as discussed above with respect to claim 4, *Lupo* does not whether the changes to the web page are reflected by a complete re-rendering of a user interface, or by an update of one or more, but not all, attributes of a user interface element. Therefore, *Lupo* does not teach or suggest the claimed “the type of modification is an update of one or more, but not all, of the attributes of the user interface element.” Dependent claim 11 is distinguishable from *Lupo* for at least the same reasons as claim 5.

### **III. Conclusion**

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

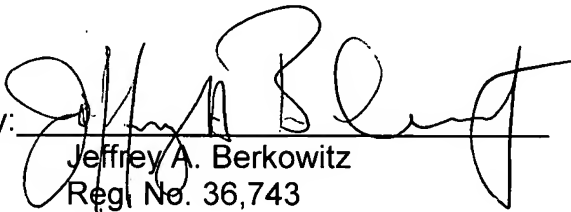
Please grant any extensions of time required to enter this response and charge  
any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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